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(202) 466-6532
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July 2, 2010

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

RE: Docket No. AB-511 (Sub-No. 5X), *Central Railroad Company of Indianapolis—Abandonment Exemption—Howard County, IN*

Dear Ms. Brown:

Enclosed are the original and 10 copies of a Verified Notice of Exemption for the Central Railroad Company of Indianapolis ("CERA") to abandon 2.84 miles of line in Howard County, IN, between milepost 55.66 and milepost 58.5 on CERA's Tipton Industrial Lead. Also enclosed are a check from CERA for the filing fee of \$3,700, and a computer diskette containing the Notice in Word and pdf format.

Please time and date stamp the additional copy of this letter and the Notice and return them with our messenger. Thank you for your assistance.

If you have any questions please call or email me.

Sincerely yours,

Melanie B. Yasbin

Attorney for Central Railroad Company of Indianapolis

Enclosures

FEE RECEIVED

JUL 02 2010

TRANSPORTATION BOARD

**ENTERED
Office of Proceedings**

JUL 02 2010

**Part of
Public Record**

FILED

JUL 02 2010

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-511 (Sub-No. 5X)



CENTRAL RAILROAD COMPANY OF INDIANAPOLIS—ABANDONMENT
EXEMPTION—HOWARD COUNTY, IN

VERIFIED NOTICE OF EXEMPTION

Scott G. Williams, Esq.
Senior Vice President and General Counsel
RailAmerica, Inc.
7411 Fullerton Street
Suite 300
Jacksonville, FL 32256
(904) 538-6329

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
600 Baltimore Avenue
Suite 301
Towson, MD 21204
(410) 296-2250
Lou_Gitomer@verizon.net

Attorneys for: Central Railroad
Company of Indianapolis

Dated: July 2, 2010

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-511 (Sub-No. 5X)



CENTRAL RAILROAD COMPANY OF INDIANAPOLIS-ABANDONMENT
EXEMPTION-HOWARD COUNTY, IN

VERIFIED NOTICE OF EXEMPTION

Central Railroad Company of Indianapolis ("CERA") files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CERA to abandon 2.84 miles of line in Howard County, IN, between milepost 55.66 and milepost 58.5 on CERA's Tipton Industrial Lead ("Line"). No local rail traffic has moved over the Line during the past two years. Any overhead rail traffic can be rerouted over other rail lines.

Based on information in the possession of CERA, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

There are no local shippers on the Line. There has been no traffic on the Line for over 2 years.

1. Proposed consummation date. The proposed abandonment date is August 23, 2010.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant. Central Railroad Company of Indianapolis.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105. CERA is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. CERA seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon 2.84 miles of line in Howard County, IN, between milepost 55.66 and milepost 58.5 on CERA's Tipton Industrial Lead.

(4) Map. *See* Exhibit B-1.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Melanie B. Yasbin, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2205.

(8) List of all United States Postal Service ZIP Codes that the line segments proposed for abandonment traverse. The line segments traverse ZIP Codes 46901.

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CERA believes that the property proposed for abandonment is suitable for other public purposes. INDOT has plans to construct a Route 31 By-Pass around Kokomo,

which is currently in the final design stages. Because of CERA's Line the major northern interchange between the new highway and the existing U.S. Route 31 will require construction of two major grade separation structures. CERA and INDOT have entered into an agreement, where once CERA receives abandonment authority, CERA will convey 4.671 acres of land to the INDOT. This will allow INDOT to avoid having to build grade separation structures.

The "Nickel Plate" trail, is a 40+ mile rail trail corridor running from Cassville in Howard County to Rochester in Fulton County, IN. It abuts the northerly terminus of the Line. The Nickel Plate trail corridor was purchased from the Norfolk and Southern Railroad via Federal rail banking.

4. The level of labor protection. The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. -- Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Combined Environmental and Historic Report. The Combined Environmental and Historic Report is attached as Exhibit D.

Respectfully submitted,



Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
600 Baltimore Avenue
Suite 301
Towson, MD 21204
(410) 296-2250

Scott G. Williams, Esq.
Senior Vice President and General Counsel
RailAmerica, Inc.
7411 Fullerton Street
Suite 300
Jacksonville, FL 32256
(904)538-6329

Attorneys for: Central Railroad
Company of Indianapolis

Dated: July 2, 2010

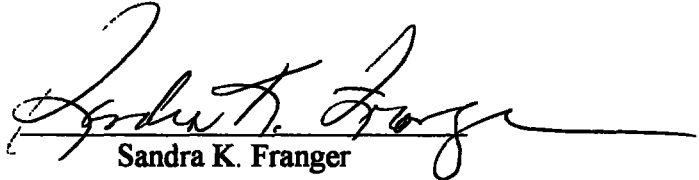
EXHIBIT A-VERIFICATION AND CERTIFICATION

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF TEXAS)
)
COUNTY OF BEXAR) ss.

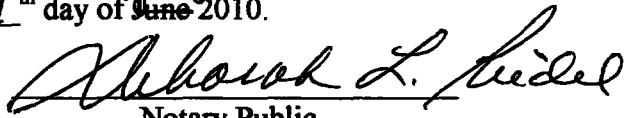
I, Sandra K. Franger being duly sworn depose and state that I am a Vice President of RailAmerica, Inc., and Vice-President of its subsidiary, Central Railroad Company of Indianapolis ("CERA"), that I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

I hereby certify that no local traffic has moved over CERA's 2.84 miles of line, between milepost 55.66 and milepost 58.5, and 2.8 miles on CERA's Tipton Industrial Lead, in Howard County, IN. for at least two years prior to the date hereof, and that any overhead traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CERA by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.


Sandra K. Franger

SUBSCRIBED AND SWORN TO before me this 1th day of July ~~June~~ 2010.

My Commission Expires: 06-11-11


Notary Public

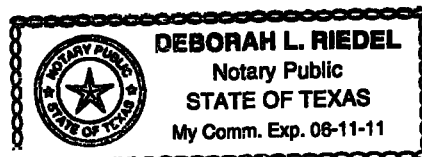
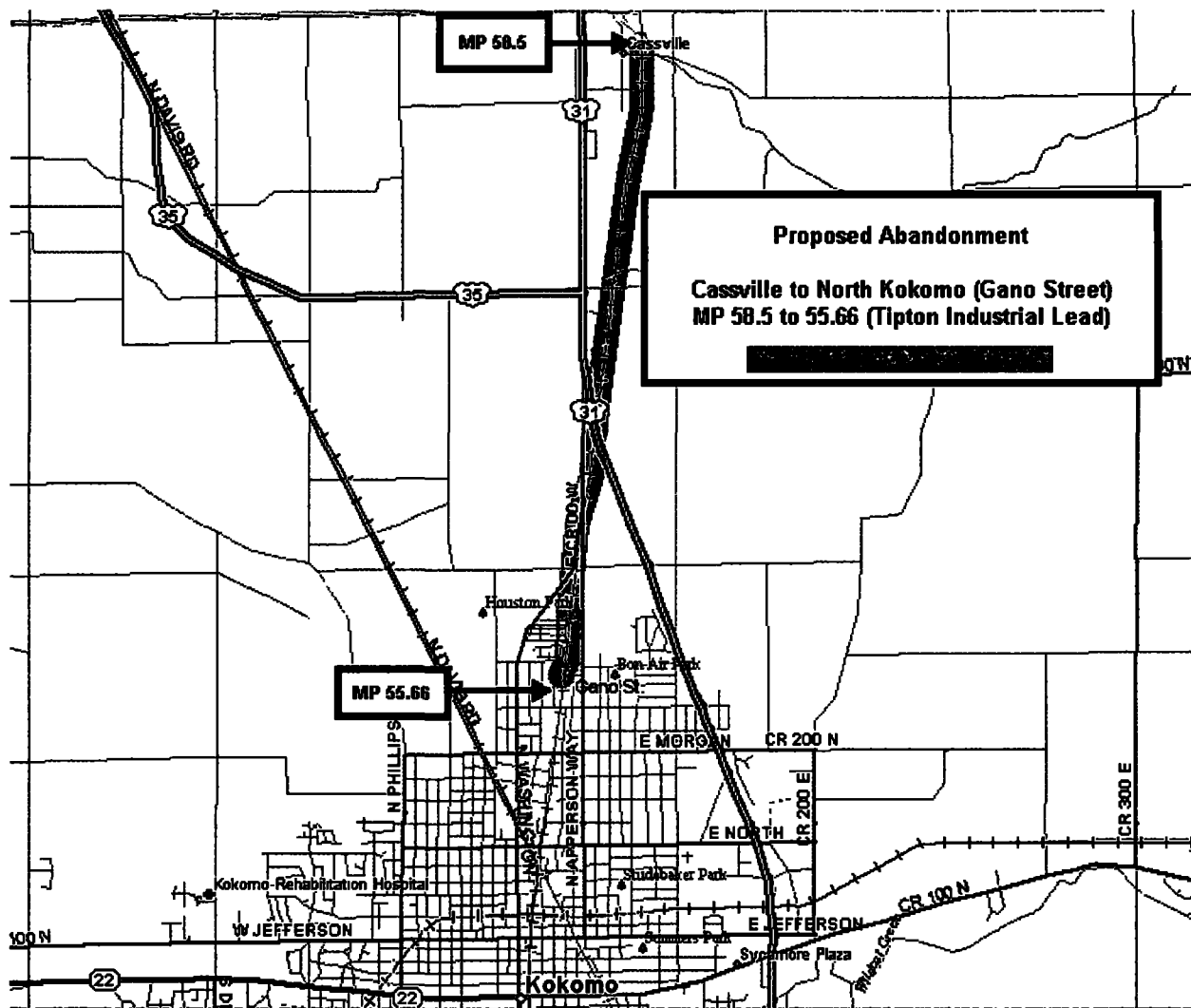


EXHIBIT B—MAP OF LINE



CERA's Tipton Industrial Lead connects Kokomo and Cassville

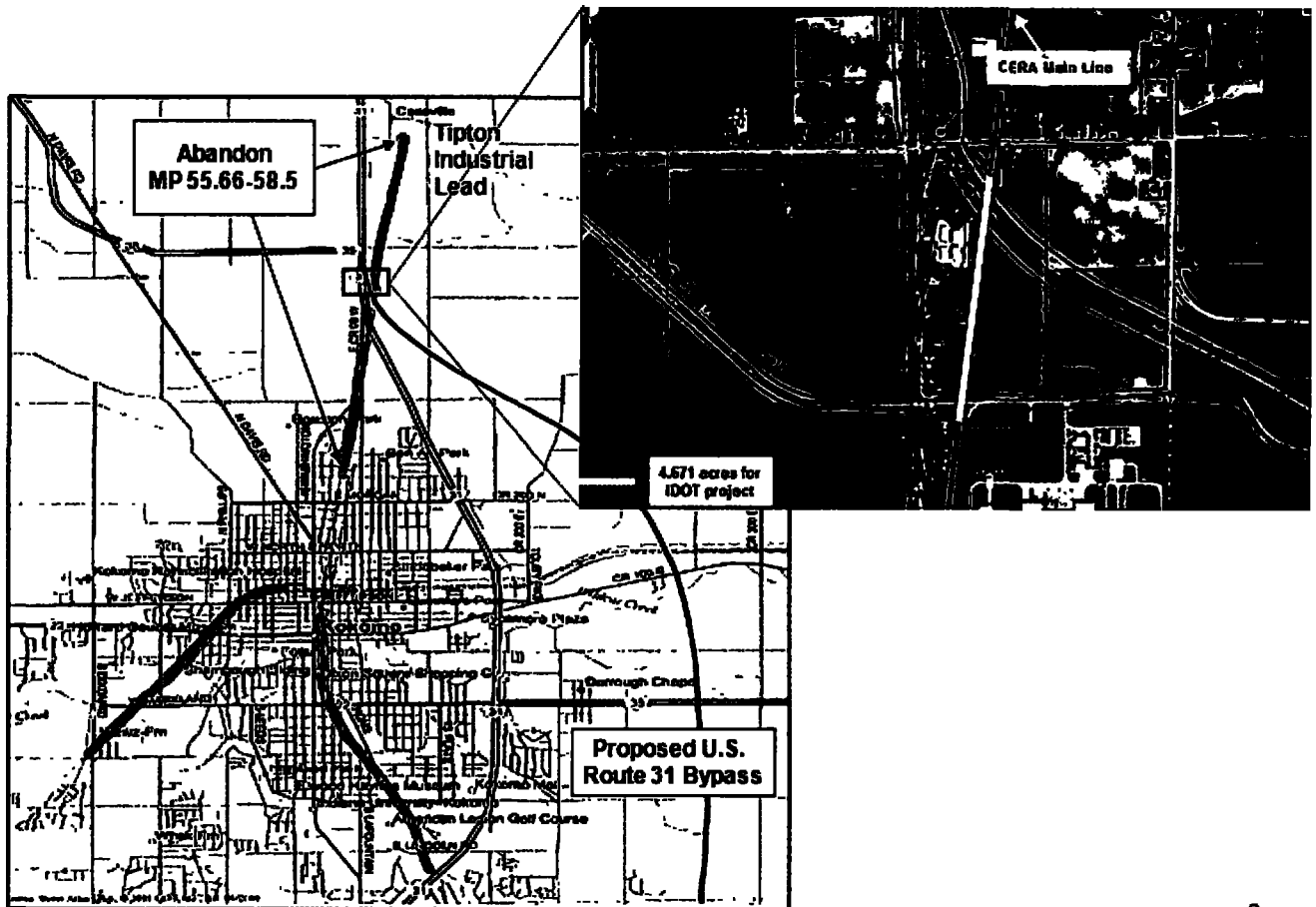


EXHIBIT C—CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-511 (Sub-No. 5X) was mailed via first class mail on June 11, 2010, to the following parties:

State Public Service Commission

Utility Regulation Commission
Indiana Government Center, South
302 West Washington Street, Room 306
Indianapolis, IN 46204

Indiana Transportation Department
Indiana Government Center, North
100 North Senate Avenue, Room N7555
Indianapolis, IN 46204-2249

Military Traffic Management Command

Headquarters, Military Surface Deployment & Distribution Command
Transportation Engineering Agency
Attention: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scotts AFB, IL 62225-5357

National Park Service

Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC

National Park Service

U.S. Department of Interior
National Park Service
National Center for Recreation & Conservation
1849 C Street, N.W.
Washington, DC 20240-0001

U.S. Department of Agriculture

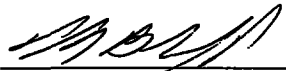
U.S. Department of Agriculture
Chief of the Forest Service
Mailstop: 1144
1400 Independence Avenue, S.W.
Washington, DC 20250



Melanie B. Yasbin
July 2, 2010

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-511 (Sub-No. 5X) was advertised on June 28, 2010 in the Kokomo Tribune, a newspaper of general circulation in Howard County, as required by 49 C.F.R. § 1105.12.



Melanie B. Yasbin
July 2, 2010

Central Railroad Company of Indianapolis (“CERA”) gives notice that on or about July 2, 2010, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments permitting CERA to abandon 2.84 miles of line in Howard County, IN, between milepost 55.66 and milepost 58.5, which traverses through United States Postal Service ZIP Code 46901. This proceeding will be docketed as No. AB-511 (Sub-No. 5X).

The Board's Section of Environmental Analysis will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the Chief, Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance may be directed to the Board's Office of Congressional and Public Services at 202-245-0233. Copies of any comments or requests for conditions should be served on the applicant's representative: Melanie B. Yasbin, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, 410-296-2205, email at Melanie@lgraillaw.com.

EXHIBIT D - COMBINED ENVIRONMENTAL AND HISTORIC REPORT

CERTIFICATION OF COMPLIANCE

The undersigned hereby certifies that the requirements of 49 C.F.R §1105.7, 49 C.F.R. §1105.8(d), and 49 C.F.R. §1105.11 have been complied with in Docket No. AB-511 (Sub-No. 5X).

A handwritten signature in black ink, appearing to read 'MBY', is written over a horizontal line.

Melanie B. Yasbin

July 2, 2010

**COMBINED ENVIRONMENTAL AND HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7(c), .8(c), and .11, and the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-511(Sub-No. 5X) was mailed via first class mail on June 11, 2010, to the following parties:

Indiana Department of Transportation
Railroad Section
100 N. Senate Avenue
1GC-N, Room N901
Indianapolis, IN 46204

Indiana Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Indiana Government Center South, Room W256
Indianapolis, IN 46204

Indiana Department of Environmental Management
Indiana Government Center
100 N. Senate Avenue
Indianapolis, IN 46206-6015

Indiana Department of Natural Resources
Division of Water
402 West Washington Street, Room W2615
Indianapolis, IN 46204

Honorable Greg Goodnight
Mayor, Kokomo
100 South Union Street
Kokomo, IN 46901

Honorable Richard Miller
President, Howard County Council
Howard County Administrative Center
220 N. Main Street
Kokomo, IN 46901

U.S. Army Corp. of Engineers
Louisville District
PO Box 59
Louisville, KY 40201-0059

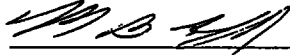
Natural Resources Conservation Service
USDA
6013 Lakeside Boulevard
Indianapolis, IN 46278

Environmental Protection Agency
Region 5
Metcalf Building
Office of Strategic Environmental Analysis
77 West Jackson Boulevard
Mailcode: B-19J
Chicago, IL 60604

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

U.S. Fish and Wildlife Service
One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, MN 55111-4056

U.S. National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226



Melanie B. Yasbin
July 2, 2010

COMBINED ENVIRONMENTAL AND HISTORIC REPORT
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-511 (Sub-No. 4x)

**CENTRAL RAILROAD COMPANY OF INDIANAPOLIS—ABANDONMENT EXEMPTION—
HOWARD COUNTY, IN (TIPTON INDUSTRIAL LEAD)**

Dated: June 11, 2010

ENVIRONMENTAL REPORT

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Central Railroad Company of Indianapolis (“CERA”) proposes to abandon a 2.84-mile railroad line between milepost 55.66 and milepost 58.5 on CERA’s Tipton Industrial Lead (“Line”). Upon receipt of abandonment authority, CERA proposes to convey 4.671 acres of land to the Indiana Department of Transportation (“INDOT”) and to salvage the tracks and materials in the Line and dispose of the right-of-way. The property being conveyed to INDOT will allow INDOT to proceed with the rehabilitation of U.S. Highway 31 more efficiently and cost effectively than if the rail line remained in place.

Abandonment of the Line will result in the removal of the rail, crossties and possibly the upper layer of ballast. Removal of the Line will result in the elimination of 5 public road crossings and 1 private crossing on the Line.

There has been no traffic on the Line for over 2 years.

The only alternative to a full abandonment would be for CERA not to abandon the Line. The Line is located in an area of little economic growth, where industrial development is

unlikely to occur. With little, if any, potential traffic, CERA has decided to seek abandonment of the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to be diverted to motor carrier. Accordingly, the proposed abandonment should have no adverse effects on regional or local transportation systems and patterns.

However, abandonment of the Line will allow US Highway 31 to be rehabilitated without incurring the cost or time necessary to construct grade separation structures between the highway and the railroad.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) CERA considers the proposed abandonment to be consistent with existing land use plans. INDOT has plans to construct a Route 31 By-Pass around Kokomo, which is currently in the final design stages. Because of CERA's Line the major northern interchange between the new highway and the existing U.S. Route 31 will require construction of two major grade separation structures. CERA and INDOT have entered into an agreement, where once CERA receives abandonment authority, CERA will convey 4.671 acres of land to the INDOT. This will allow INDOT to avoid having to build grade separation structures.

CERA contacted the City of Kokomo and the County of Howard, IN, by letters dated June 11, 2010. See Exhibit 2. No response has been received as of this date. A copy of this Environmental Report has been mailed to the appropriate local and state agencies for their information and further comment.

(ii) CERA does not believe that there is any prime agricultural land that will be affected. CERA notified the United States Department of Agriculture (“USDA”) Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated June 11, 2010, and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 2. A copy of this report has been supplied to the USDA for its information and further comment. In a letter dated June 16, 2010 the USDA stated that the abandonment will not cause a conversion of prime farmland. See Exhibit 2.

(iii) The Line does not pass through a designated coastal zone.

(iv) CERA does not know whether the Line would be suitable for interim trail use/rail banking because it plans to sell a portion of the Line to INDOT so that INDOT can build the US 31 By-Pass around Kokomo. INDOT’s purchase and use of the 4.671 acre parcel may effectively sever the Line; however, it is CERA’s understanding that INDOT is having discussions with interested parties, regarding construction of an above grade or below grade crossing of the proposed US 31 By-Pass, which will allow the remaining segmented portions of the Line to be connected and used as a trail corridor.

The “Nickel Plate” trail is a 40+ mile rail trail corridor running from Cassville in Howard County to Rochester in Fulton County. It abuts the northerly terminus of the Line. The Nickel Plate trail corridor was purchased from the Norfolk and Southern Railroad via Federal rail

banking. *See Norfolk and Western Railway Company—Abandonment Exemption—Between Kokomo and Rochester in Howard, Miami, and Fulton Counties, IN*, STB Docket No. AB-290 (Sub-No. 168X) (STB served August 25, 2009). The Line is connected to the national railroad system via the Nickel Plate Trail abutting the northern end of the Line and CERA at the southern end of the Line.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have minimal effect on overall energy efficiency since there has been no traffic on the Line.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the line segments of rail traffic to motor carriage.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an

increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. CERA will cease operating over the Line. As a result of the abandonment, CERA will remove 5 public road crossings and 1 private road crossing. Abandonment of the Line will allow INDOT to build the Route 31 By-Pass without the additional cost of two grade separation structures.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) CERA is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Line.

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) CERA does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. CERA notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letter dated June 11, 2010, and requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat. *See* Exhibit 2. A copy of this Report was supplied to the USF&W for its information and further comment.

(ii) CERA is unaware of any wildlife sanctuaries or refuges, National or State parks or forests that would be adversely affected by the proposed abandonment.

CERA notified the National Parks Service of the proposed abandonment by letter dated June 11, 2010, and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. *See* Exhibit 2. To date, no response to

this request has been received. A copy of this Report has been supplied to the National Park Service for its information and comment.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) CERA is confident that the proposed abandonment will be consistent with applicable water quality standards. CERA contacted the Indiana Department of Environmental Management (“INDEM”) and the United States Environmental Protection Agency (“USEPA”) by letters dated June 11, 2010. *See* Exhibit 2. To date, no response to this request has been received. A copy of this Report has been supplied to the INDEM and USEPA for their information and comment.

(ii) CERA believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access, along with existing public crossings. No new access roads are contemplated. CERA does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the Line and will not be discarded along the right-of-way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any

waterways. Based upon this course of action, CERA does not believe a permit under Section 404 of the Clean Water Act will be required.

CERA contacted the U.S. Army Corps of Engineers by letter dated June 11, 2010 and has received no response to date. *See* Exhibit 2. A copy of this Report has been supplied to the U.S. Army Corps of Engineers for its information and comment.

(iii) CERA believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. CERA contacted the INDEM and the USEPA by letter dated June 11, 2010. *See* Exhibit 2. A copy of this Report has been supplied to the INDEM and USEPA for their information and further comment.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

CERA does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. CERA will, of course, adhere to any remedial actions required by the Board.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

U.S. Geological Survey Maps have been supplied to the Indiana Department of Natural Resources, Division of Historic Preservation and Archeology. *See Exhibit 3.*

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The 2.84-mile right-of-way ranges from 44 feet wide to 80 feet wide and consists of 30 acres of land. The northern end of the Line begins at milepost 58.5, just north of County Road E. 450 and runs south/southwest, crossing U.S. Route 31 and terminating at milepost 55.66 at about West Gano Street.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no bridges or structures on the property that are 50 years old or older.

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

Not applicable.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The line was leased from the Norfolk and Western Railway Company from 1989 until 2002. CERA purchased the line segment on June 12, 2002 from the Norfolk Southern Railway Company. Service was provided on an "as needed" basis.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

CERA possesses valuation maps and track charts of the Line, but is not aware of any other documentation in its possession.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

CERA believes that there are no archeological resources or other railroad related historic properties in the project area.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

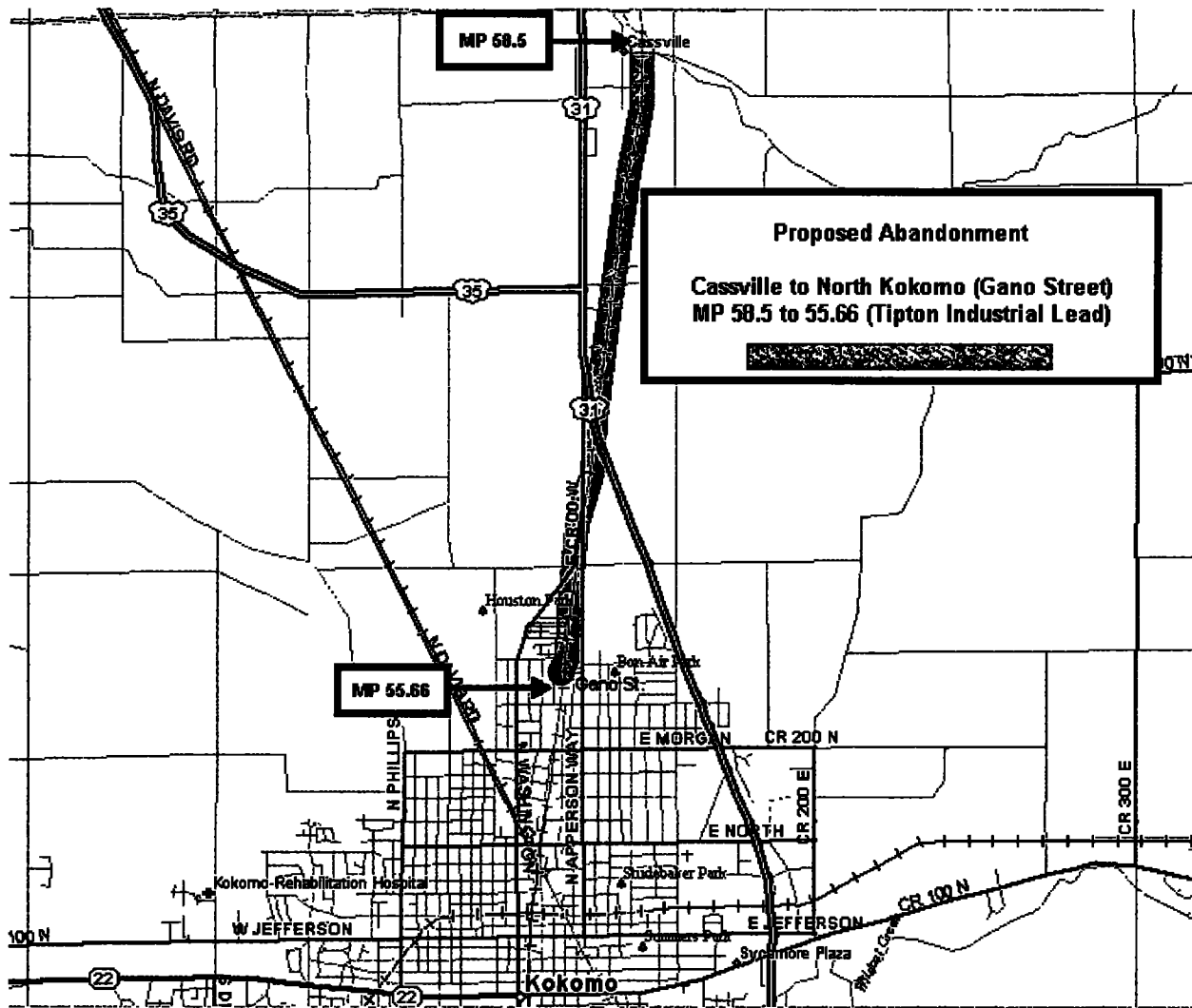
Based on a review of its records, CERA believes that there are no known subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

CERA does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, CERA will promptly supply the necessary information.

CERA contacted the Indiana Department of Natural Resources, Division of Historic Preservation and Archeology ("INDNR"). *See Exhibit 2.* No response has been received. A copy of this Report has been mailed to INDNR.

EXHIBIT 1 – MAP



CERA's Tipton Industrial Lead connects Kokomo and Cassville

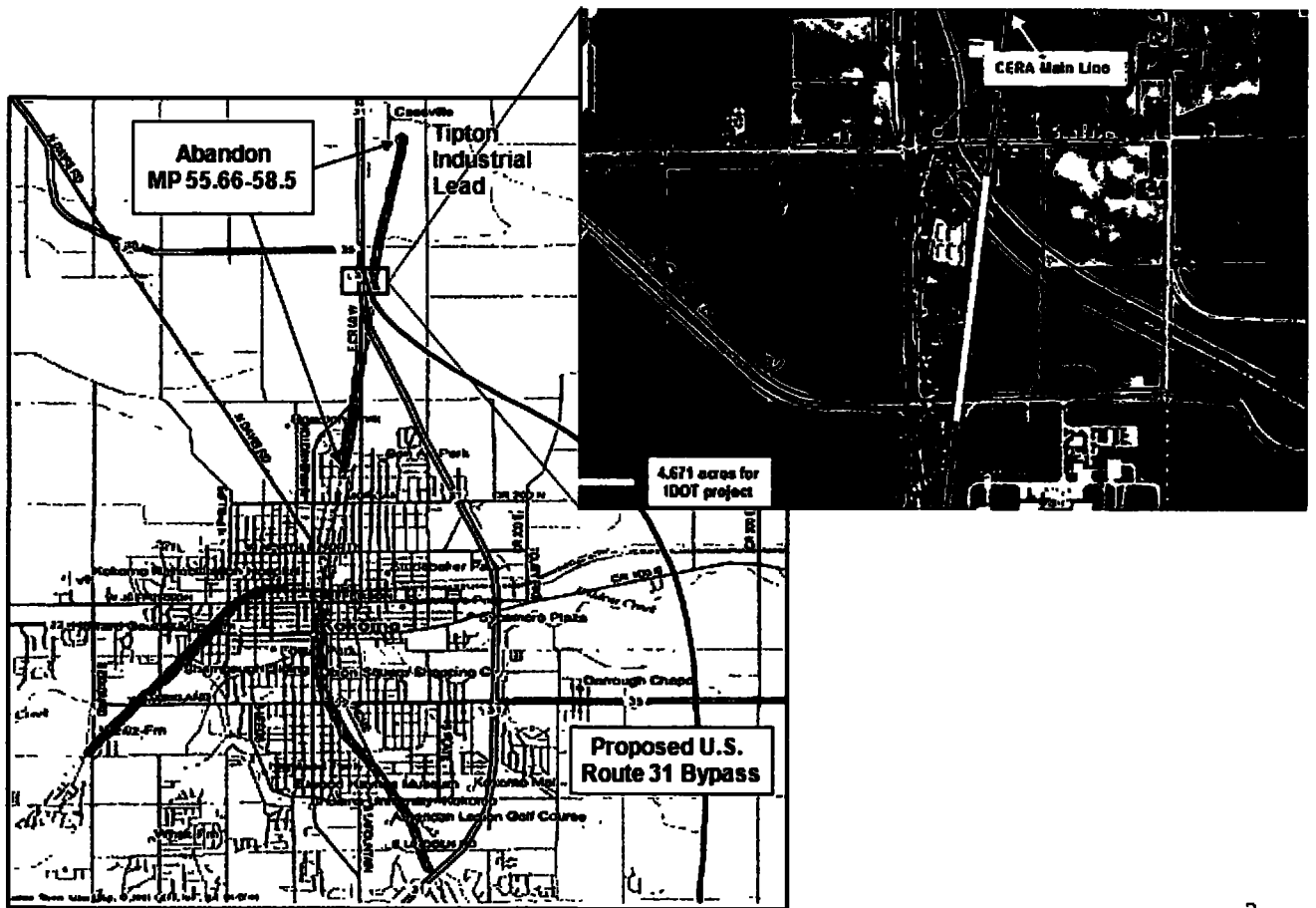


EXHIBIT 2 – LETTERS

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

June 11, 2010

Indiana Department of Natural Resources
Division of Water
402 West Washington Street, Room W2615
Indianapolis, IN 46204

RE: Docket No. AB-511 (Sub-No. 5X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN*

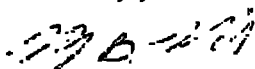
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Sincerely yours,



Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

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June 11, 2010

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
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Environmental Protection Agency
Metcalf Building
Office of Strategic Environmental Analysis
77 West Jackson Boulevard
Mailcode: B-19J
Chicago, IL 60604

RE: Docket No. AB-511 (Sub-No. 5X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

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June 11, 2010

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Honorable Richard Miller
President, Howard County Council
Howard County Administrative Center
220 N. Main Street
Kokomo, IN 46901

RE: Docket No. AB-511 (Sub-No. 5X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

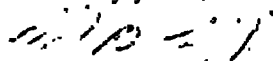
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MELANIE B. YASBIN
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June 11, 2010

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Honorable Greg Goodnight
Mayor, Kokomo
100 South Union Street
Kokomo, IN 46901

RE: Docket No. AB-511 (Sub-No. 5X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

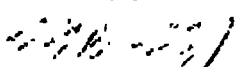
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(202) 466-6532
FAX (410) 332-0885

June 11, 2010

U.S. National Park Service
601 Riverfront Drive
Omaha, NE 68102-4226

RE: Docket No. AB-511 (Sub-No. 5X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

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THE ADAMS BUILDING, SUITE 301
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TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

June 11, 2010

Natural Resources Conservation Service
USDA
6013 Lakeside Boulevard
Indianapolis, IN 46278

RE: Docket No. AB-511 (Sub-No. 5X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

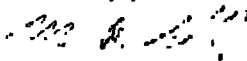
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Sincerely yours,



Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

United States Department of Agriculture



Natural Resources Conservation Service
6013 Lakeside Blvd.
Indianapolis, IN 46278

June 16, 2010

Melanie B. Yasbin
Law Office of Louis E. Gitomer
The Adams Bldg., Ste 301
600 Baltimore Avenue
Towson, MD 21204-4022

Dear Ms. Yasbin:

The revised proposed project to abandon approximately 2.84 miles of railroad between milepost 55.66 and milepost 58.5 in Howard County, Indiana, as referred to in your letter received June 14, 2010, will not cause a conversion of prime farmland.

If you need additional information, please contact Lisa Bolton at 317-290-3200, extension 342.

Sincerely,

ACTING FOR

A handwritten signature in black ink, appearing to read "Shannon T. Zezula".

SHANNON T. ZEZULA
Acting State Conservationist

Helping People Help the Land

An Equal Opportunity Provider and Employer

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

MELANIE B. YASBIN
MELANIE@LGRAILLAW.COM

June 11, 2010

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Spring, MD 20910-3282

RE: Docket No. AB-511 (Sub-No. 5X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

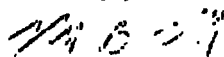
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MELANIE B. YASBIN
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June 11, 2010

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
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Indiana Department of Natural Resources
Division of Historic Preservation and Archeology
402 West Washington Street
Indiana Government Center South, Room W256
Indianapolis, IN 46204

RE: Docket No. AB-511 (Sub-No. 5X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN*

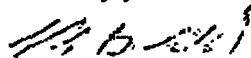
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June 11, 2010

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

Indiana Department of Transportation
Railroad Section
100 N. Senate Avenue
1GC-N. Room N901
Indianapolis, IN 46204

RE: Docket No. AB-511 (Sub-No. 5X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

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(202) 466-6532
FAX (410) 332-0885

June 11, 2010

Indiana Department of Environmental Management
Indiana Government Center
100 N. Senate Avenue
Indianapolis, IN 46206-6015

RE: Docket No. AB-511 (Sub-No. 5X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

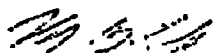
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June 11, 2010

U.S. Army Corp. of Engineers
Louisville District
PO Box 59
Louisville, KY 40201-0059

RE: Docket No. AB-511 (Sub-No. 5X), *Central Railroad Company of Indianapolis—
Abandonment Exemption—Howard County, IN.*

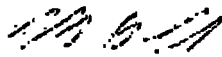
Dear Madam/Sir:

On or about July 2, 2010, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Central Railroad Company of Indianapolis ("CERA") to abandon 2.84 miles on CERA's Tipton Industrial Lead, between milepost 55.66 and milepost 58.5, in Howard County, IN.

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. **We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, E Street, S.W., Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket No. AB-511 (Sub-No. 5X).**

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the **environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly.** Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 410-296-2205, email at Melanie@lgrailaw.com, or mail at Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,



Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

**LAW OFFICES OF
LOUIS E. GITOMER**

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June 11, 2010

U.S. Fish and Wildlife Service
One Federal Drive
BHW Federal Building
Fort Snelling, MN 55111-4056

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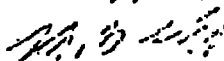
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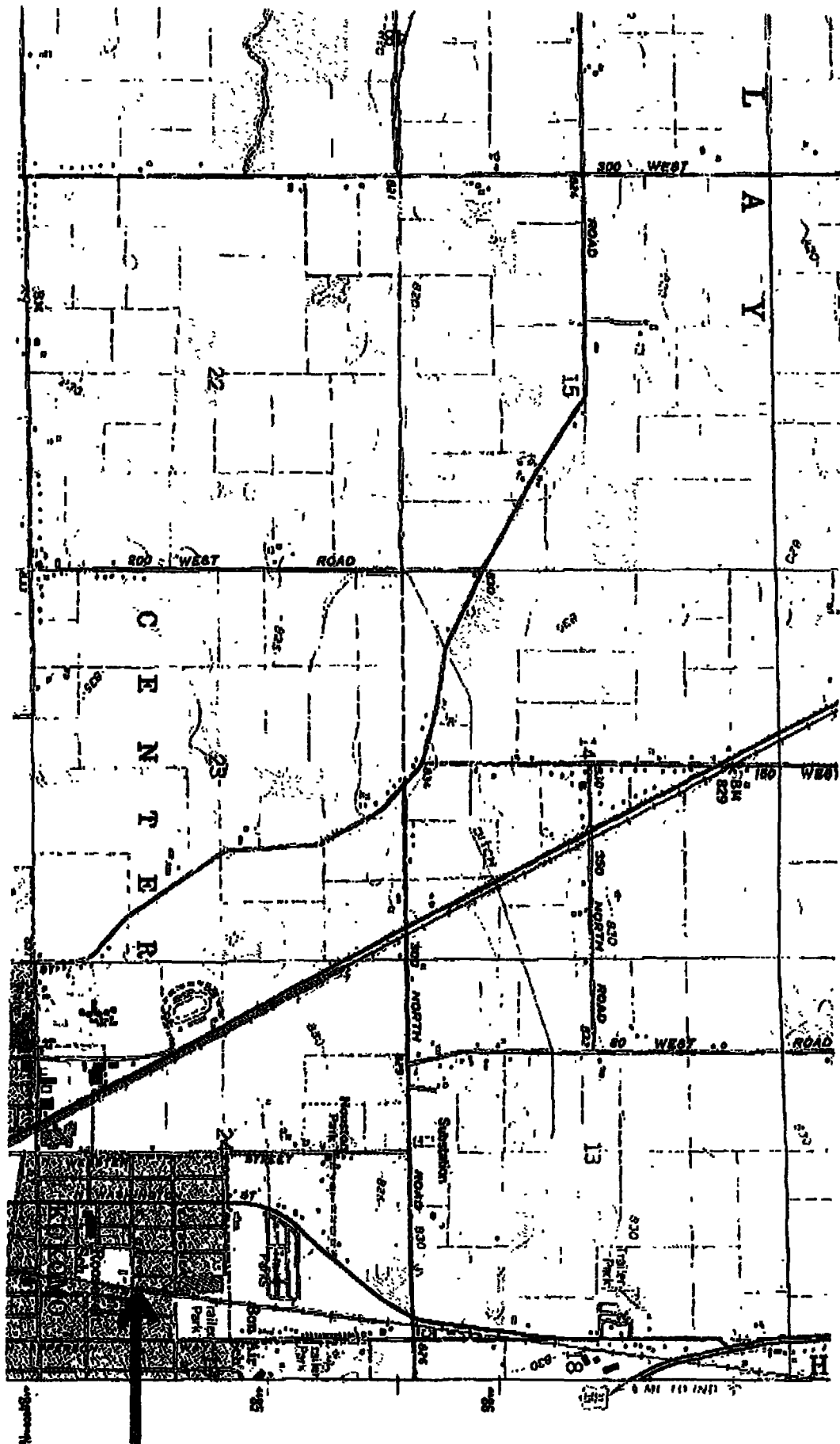
Sincerely yours,



Melanie B. Yasbin
Attorney for Central Railroad Company of Indianapolis

Enclosures

EXHIBIT 3 – USGS MAPS



MP
55.66

MP
58.50

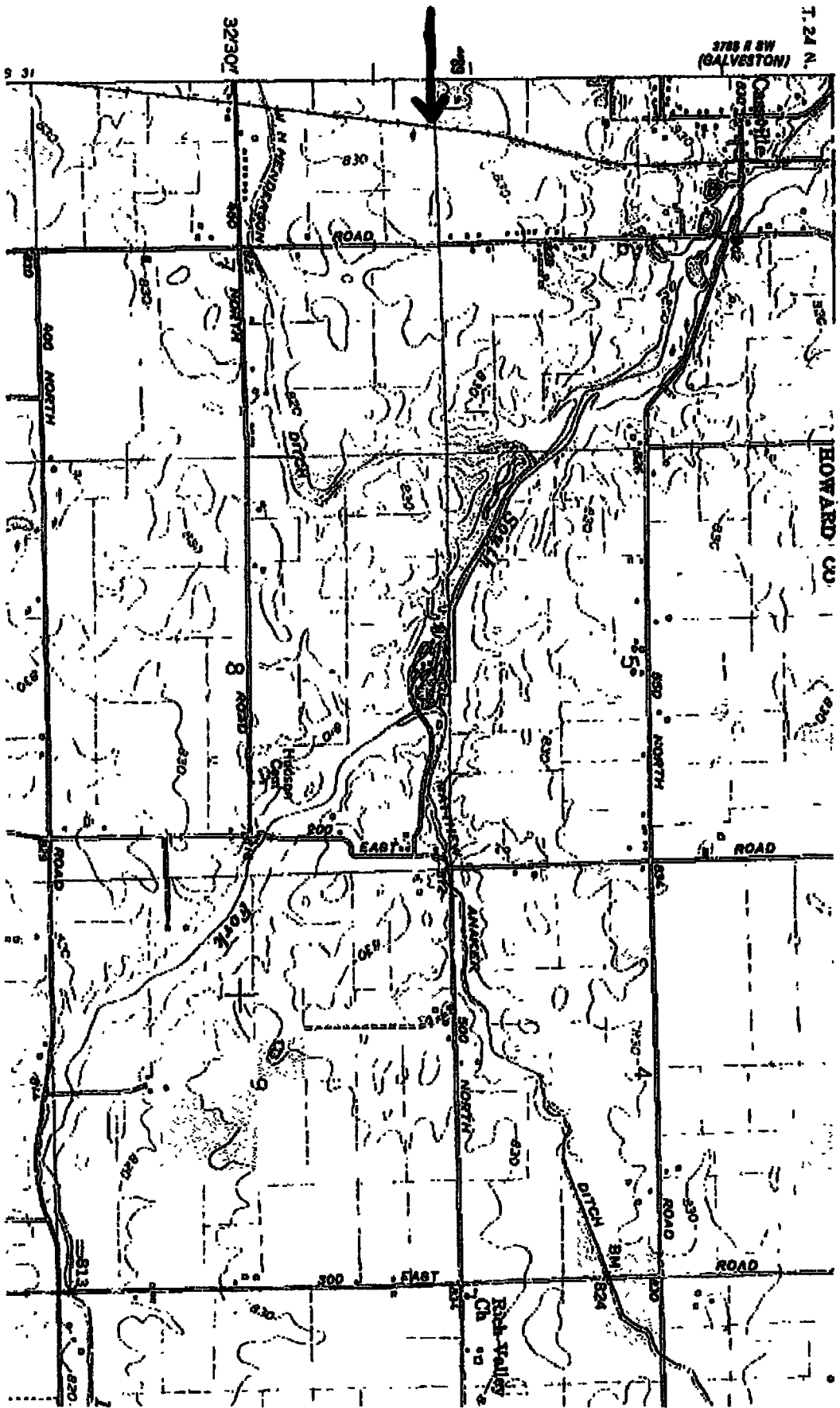
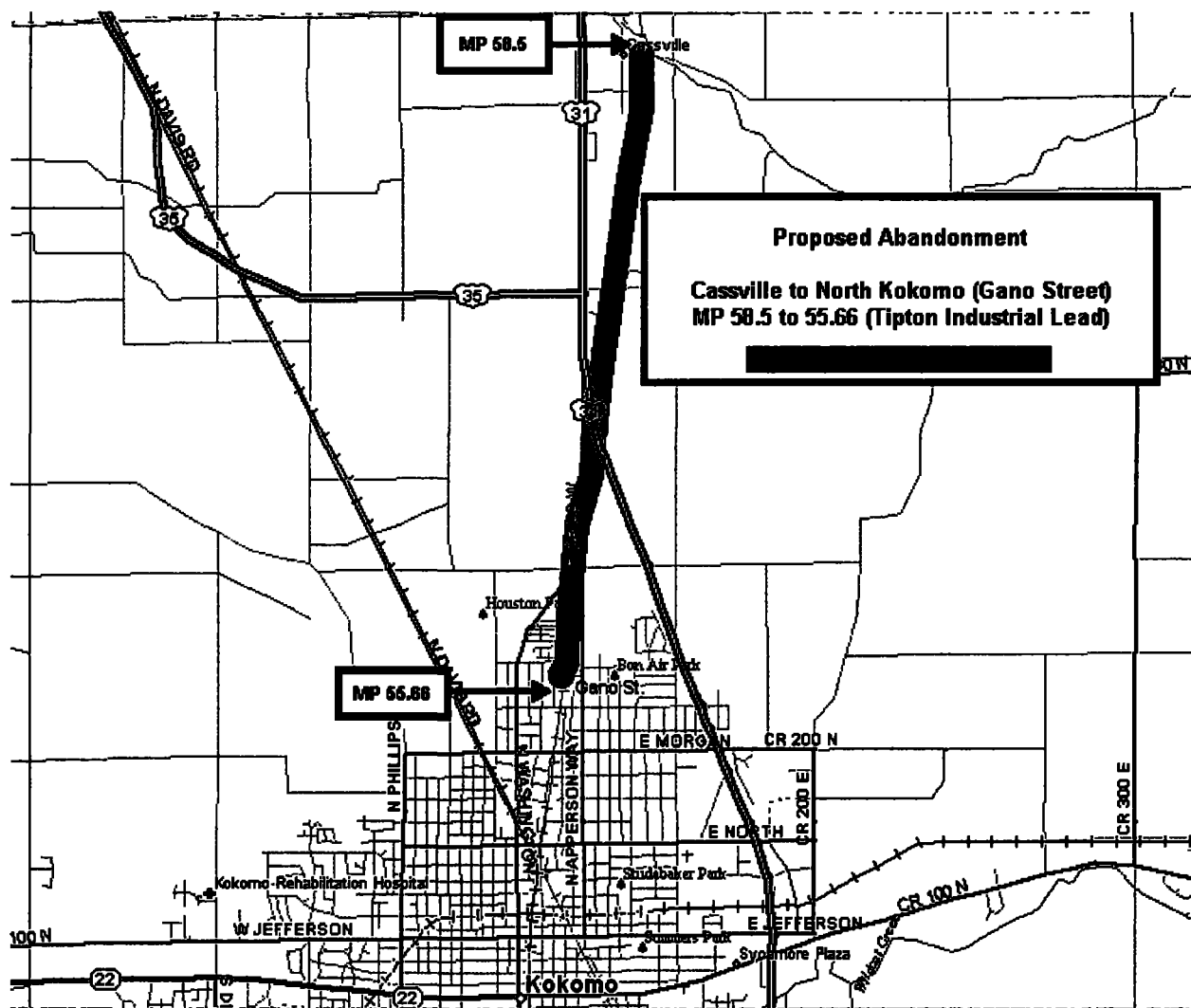


EXHIBIT E- COLOR EXHIBITS



CERA's Tipton Industrial Lead connects Kokomo and Cassville

